

Message Text

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ACTION SS-30

INFO OCT-01 ISO-00 SSO-00 /031 W
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O R 112215Z OCT 74
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC IMMEDIATE 6000
INFO AMCONSUL RECIFE

C O N F I D E N T I A L BRASILIA 7854

EXDIS

C O R R E C T E D C O P Y (REFRS D BRASILIA 7809 VICE 7853)

E.O. 11652: GDS
TAGS PINS, BR, CPRS (MORRIS, FREDERICK)
SUBJECT: MORRIS CASE: LEGAL ASPECTS OF CONTACT BETWEEN
MORRIS AND CONSUL

REF: A. STATE 224450 B. BRASILIA 7852 C. BRASILIA 7807
D. BRASILIA 7809.

1. EMBASSY PASSED INSTRUCTIONS REF A TO AMCONSUL RECIFE (REF D)
BEFORE HIS SEVENTH INTERVIEW WITH MORRIS (REF C). AMCONSUL
POINTED OUT THAT H COULD NOT CONTROL MORRIS'
RESPONSE TO QUESTIONS CONCERNING HIS WELFARE (AS WAS LATER
DEMONSTRATED DURING SEVENTH VISIT). WE QUOTE REPORT FROM
AMCONSUL BROWN CONCERNING POINT OF HIS QUESTIONS MORRIS:
QTE

1. THE ASSUMPTION IS CORRECT THAT MORRIS VOLUNTERED DURING
THE SEVENTH INTERVIEW DETAILS OF HIS INTERROGATION AFTER I HAD
ASKED IF H HAD BEEN INTERROGATED DURING THE PAST 24 HOURS. I
EVEN TIED MY QUESTION TO OUR CONCERN ABOUT HIS PHYSICAL WELL
BEING, AND OUR NEED TO KNOW ABOUT PHYSICAL CONDITIONS OF THE
INTERROGATION.

2. AFTER HE DESCRIBED THE PHYSICAL TERMS OF THE INTERROGATION
E.G., STANDING FIVE HOURS WITH A TIGHT RUBBER BLINDFOLD, HE
WENT IMMEDIATELY INTO THE QUESTIONS OF THE INTERROGATION ON A
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VOLUNTARY BASIS. I SAID NOTHING DURING THE DISCOURSE TO ENCOURAGE

OR LEAD HIM. WHEN HE FINISHED, I WENT ON TO A NEW SUBJECT.
COL. MEZIAT DID NOT INTERVENE NOR DID HE SEEM PERTURBED BY MORRIS
ACCOUNT OF THE INTERROGATION.

3. IN FUTURE CONVERSATION I SHALL, OF COURSE, PHRASE THE
QUESTION AS REFTEL SUGGESTS. BUT THE QUESTION ARISES: SHOULD
I STOP MORRIS IF HE ATTEMPTS TO VOLUNTEER ADDITIONAL INFORMATION
CONCERNING THE SUBSTANCE OF AN INTERROGATION? AS YOU WILL SEE
IN SEPTEL, MORRIS AGAIN VOLUNTEERED DETAILS OF THE INTERROGATION
HE EXPERIENCED TODAY. UNQUOTE

2. IN REGARD TO CONSUL BROWN'S CONCERN, WE WOULD CONSIDER
THAT ANY INSTRUCTION TO HIM TO GAG MORRIS SHOULD HIS REPLIES
EXTEND TO SUBSTANCE HIS INTERROGATION WOULD BE EXCESSIVELY
RESTRICTIVE AND ZEALOUS, AND WOULD RISK MISINTERPRETATION
BY MORRIS OF OUR INTENT. SIMILARLY, WE BELIEVE THAT BROWN
IS UNDER NO OBLIGATION TO SEEK PERMISSION FROM MORRIS'
JAILORS BEFORE RESPONDING TO QUESTIONS FROM MORRIS (SEE
PARA 5 REF B). IN LIGHT OF REF A, HOWEVER, WE FEEL CONSTRAINED TO
SEEK KEPT'S LEGAL GUIDANCE. ADDITIONALLY, IT WOULD BE
VERY HELPFUL TO RECEIVE FROM THE DEPT A LIST OF LEGAL
"DO'S AND DON'TS" FOR CONTACT BETWEEN AN AMERICAN CONSUL
AND AN INCARCERATED CITIZEN.

4. APPRECIATE REPLY BY IMMEDIATE CABLE, INFO TO RECEIFE.
CRIMMINS

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